

SENATE BILL 3402  
By Crowe

AN ACT to amend Tennessee Code Annotated, Section 36-2-318 and Title 39, Chapter 15, Part 2, to require certain notice prior to a woman having an abortion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 39-15-2\_\_.

(a) Except as provided in subsections (b) and (c), it is an offense for a physician to knowingly perform an abortion on a woman who is eighteen (18) years of age or older unless the physician has received from the woman a signed statement indicating that the woman has notified the man by whom she is pregnant that she intends to have an abortion.

(b) The statement required by subsection (a) does not have to be furnished if the woman provides the physician a signed statement certifying that:

(1) The pregnancy is the result of a rape that has been reported to a law enforcement agency; or

(2) The woman was unable, after diligent effort, to notify the man, or the woman is unable to identify the man by whom she is pregnant. In such situations, the woman must also certify that she filed written notice with the department of children's services, at least twenty-four (24) hours prior to abortion, to have her name and the name of the man by whom she is pregnant, if known, placed on the department's putative father registry.

(c) The requirements of this section shall not apply in the case of a medical emergency where the life of the woman is at risk.

(d)

(1) A physician who performs an abortion in violation of this bill commits a Class A misdemeanor, punishable by fine only of five thousand dollars (\$5,000).

(2) A woman who submits a false or incomplete statement under subsections (a) or (b), or who fails to submit a statement, commits a Class A misdemeanor, punishable by fine only of two thousand dollars (\$2,000).

SECTION 2. Tennessee Code Annotated, Section 36-2-318(e), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Those women, age eighteen (18) or older, who have filed a written notice of intent to have an abortion within the next twenty-four (24) hours and the name of the man by whom the woman is pregnant, if known, in cases where the woman was unable to locate the man to inform him of her intent.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.